

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RYAN KERWIN,)	
)	Civil Action No. 05-0093E
Plaintiff)	
)	
v.)	
)	Judge Sean J. McLaughlin
LT. WILLIAM McCONNELL,)	
)	
Defendant.)	Electronically Filed.

DEFENDANT'S PROPOSED VERDICT SLIP

QUESTION 1:

The parties agree that Mr. Kerwin has previously filed a grievance and also filed a lawsuit against DOC employees at SCI-Smithfield. Do you find that these facts were a substantial motivating factor in Lt. McConnell's decision to issue Mr. Kerwin a misconduct?

YES: _____

NO: _____

IF YOU ANSWER QUESTION 1 "YES," MOVE ON TO QUESTION 2. IF YOU ANSWER QUESTION 1 "NO," SIGN YOUR NAME TO THE LAST PAGE OF THIS DOCUMENT, AND NOTIFY THE COURT THAT YOU HAVE REACHED A VERDICT.

QUESTION 2:

Do you find that, Lt. McConnell would have issued the misconduct, for reasons reasonably related to a legitimate penological interest, even if Mr. Kerwin had not exercised his First Amendment rights?

YES: _____

NO: _____

IF YOU ANSWER QUESTION 2 “YES,” SIGN YOUR NAME TO THE LAST PAGE OF THIS DOCUMENT, AND NOTIFY THE COURT THAT YOU HAVE REACHED A VERDICT. IF YOU ANSWER QUESTION 2 “NO,”MOVE ON TO QUESTION 3.

QUESTION 3:

Do you find that Lt. McConnell’s acts were the proximate or legal cause of damages sustained by Mr. Kerwin?

YES: _____

NO: _____

IF YOU ANSWER QUESTION 3 “NO,” SIGN YOUR NAME TO THE LAST PAGE OF THIS DOCUMENT, AND NOTIFY THE COURT THAT YOU HAVE

REACHED A VERDICT. IF YOU ANSWER QUESTION 3 “YES,” MOVE ON TO QUESTION 4.

QUESTION 4:

Do you find that Mr. Kerwin should be awarded damages to compensate for emotional pain and mental anguish?

YES: _____

NO: _____

If your answer to Question 4 is YES, in what amount?

\$ _____

Compensatory Damages

\$ _____

Nominal Damages (\$1.00)

QUESTION 5:

Do you find that Lt. McConnell acted with malice or reckless indifference to Mr. Kerwin's federally protected rights and that punitive damages should be assessed against Lt. McConnell?

YES: _____

NO: _____

If your answer to Question 5 is YES, in what amount?

\$ _____ Punitive Damages

Signatures:

DATE: _____

FOREPERSON'S SIGNATURE

JUROR

JUROR

JUROR

JUROR

JUROR

JUROR